IN THE HIGH COURT OF JUDICATURE AT BILASPUR:C.G.

W.P.no. 36 /2004

PETITIONER : M.Koshy Phillip, aged 39 years, s/o Shri M.K.Phillip,a Trade Unionist, r/o village Gatapar, tahsil Abhanpur, dist. Raipur, C.G.

V E R S U S.

RESPONDENTS.....

1. State of Chhattisgarh,through Secretary to the Ministry of Home Affairs, D.K.Singh Bhawan Secretariat, Raipur,C.G.
2. The Superintendent of Police, Raipur,C.G.
3. The Sub Divisional Magistrate, Raipur, C.G.
4. The Station House Officer, Police Station Abhanpur,dist. Raipur, C.G.

P. R. No. 21/04
Presented by Shri B. Kinger
dated 02.01.04

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2.1.04
Clerk to A. G. Bilaspur

Writ Petition Under Articles 226 and 227 of The Constitution of India:

(19)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 35/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.06.2004

Shri Bhisma Kingar, counsel for the petitioner.

Shri Sandeep Dubey, Panel Lawyer for the State.

Application for urgent hearing, if any, is allowed.

Heard.

This order shall also govern the disposal of the Writ Petition Nos.36/2004, 37/2004 & 38/2004, as the same are of similar nature.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by his prosecution under Section 110 of Cr.P.C. arising out of a Istgasa No.2/02 and on account of the alleged police harassment.

Learned counsel for the petitioner submitted that the petitioner is working as Hamal at Anaaj Mandi, Arang. It is further submitted that the petitioner is also participating in trade union activities for the welfare of the Hamals and other persons. It is also submitted that as the petitioner is an active member of the trade union, the respondents have falsely implicated the petitioner in few cases and the petitioner was also arrested by the police in few cases but subsequently, he was released on bail. He further

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submitted that the petitioner was also prosecuted for externment from the District Raipur. Learned counsel submits that, as the proceedings against the petitioner has not been initiated in accordance with law ultimately, the said case was decided in favour of the petitioner for want of any adverse evidence.

Learned counsel for the petitioner submits that the respondents may be directed not to arrest, prosecute, harass or proceed against the petitioner in any manner without following due process of law.

Return on behalf of the respondents has not been filed.

Shri Dubey, Panel Lawyer submits that few cases are still pending against the petitioner but no document in support of the contention has been filed.

Learned counsel for the petitioner submits that no case is pending against him.

Under these circumstances, this Court is of the opinion that it would be appropriate to direct the respondents not to harass the petitioners and if they want to initiate any enquiry/proceeding against them, it should be done strictly in accordance with the law.

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(21)

XI-HC-22

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आदेश पत्रक

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
१७	So far as the alleged violation of Human Rights are concerned, the petitioners, if so advised, may approach the Human Rights Commission for rederessal of their grievances and if such petitions are filed before the Commission, the Commission would look into the matter and after hearing all the concerned parties in the matter would decide the same in accordance with law. With the aforesaid directions and observations, this petition stands disposed of. A copy of this order be placed in W.P. Nos. 36/2004, 37/2004 & 38/2004 also. Certified copy as per Rules. **Sd/-** **Fakhruddin** **Judge**	

Roshan

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